

3977 dsl
BILL NO. Z-78-02-28

ZONING MAP ORDINANCE NO. Z-14-78

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. R38, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Part of Block "D" in George L. Ashley Homestead, according to the plat thereof, recorded in Plat Record 8, page 84, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:
Commencing at the Northwest corner of said Block "D" in George L. Ashley Homestead; thence South 62 degrees 28 minutes 17 seconds East along the Northernly line of said Block "D" a distance of 859.04 feet to a point on the centerline of St. Joe Road; thence South 36 degrees 20 minutes 16 seconds West 212.51 feet to the point of beginning; thence South 36 degrees 20 minutes 16 seconds West along the centerline of St. Joe Road 365.75 feet to a point; thence North 64 degrees 02 minutes 25 seconds West along the common property line with Riviera Plaza, Inc., as recorded in Warranty Deed, Instrument Number D5555, 708.10 feet to a point, being the Southeast corner of Lot Number 51 in Shoaff Park River Estates; thence North 75 degrees 11 minutes 49 seconds East, 236.69 feet to a point, being the corner of Lots Number 53 and 54 in Shoaff Park River Estates; thence North 27 degrees 31 minutes 43 seconds East, 221.43 feet to a point on the Southernly right-of-way of Shoaff Park River Drive; thence South 62 degrees 28 minutes 17 seconds East along the Southernly right-of-way of Shoaff Park River Drive 588.87 feet to the point of beginning containing 5.05 acres of land, more or less. Subject to all legal roads and highways.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt
Councilman

APPROVED AS TO FORM
AND LEGALITY,

[Signature]
CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by

Allen, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 2-28-78

Charles W. Wirtman
CITY CLERK

Read the third time in full and on motion by V. Schmidt,

seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~Lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 6-27-78

Charles W. Wirtman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (~~ANNEXATION~~) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 3-14-78 on the 27th day of June, 1978.

ATTEST: (SEAL)

Charles W. Wirtman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of June, 1978, at the hour of 11:00 o'clock A M., E.S.T.

Charles W. Wirtman
CITY CLERK

Approved and signed by me this 29 day of June, 1978,

at the hour of 8:30 o'clock _____ M., E.S.T.

Robert E. Elmstrong
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 28, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-02-28; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 20, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 24, 1978.

Certified and signed this
7th day of June, 1978.

A handwritten signature in dark ink, appearing to read "Luben Lazoff", written over a horizontal line.

Luben Lazoff
Secretary

Bill No. Z-78-02-28

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. R38

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance No PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

JOHN NUCKOLS - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD J. SCHMIDT

JAMES S. STIER

Vivian G. Schmidt
John Nuckols
William T. Hinga
Donald J. Schmidt
James S. Stier

6-27-78
DATE _____ CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

Date

6 Feb 1978

No.

10105

Received From

A. DeLagrange, F.R.C.

Address

1407 Lincoln Hwy, E. New Haven

fifty &

00/100

Dollars \$

50.00

For

Re zoning - RA - B/B

ACCOUNT

HOW PAID

AMT. OF
ACCOUNT

CASH

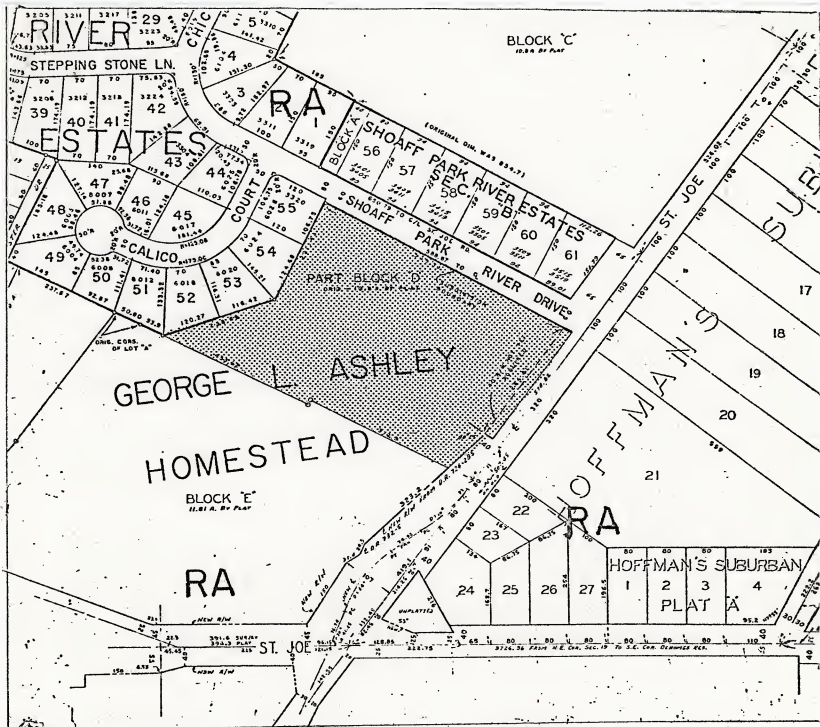
AMT. PAID

CHECK

BALANCE
DUEMONEY
ORDER

By

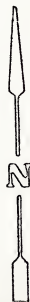
farp



REZONE FROM RA TO BIB
MAP NO. R38

Z-78-02-28

BY MFC 2-9-78



Date Filed _____

Intended Use _____

I/We Amos Delagrance
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from ~~an~~ RA District to a ~~xxx~~ B1B District the property described as follows:

Part of Block "D" in George L. Ashley Homestead, according to the plat thereof, recorded in Plat Record 8, page 84, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Block "D" in George L. Ashley Homestead; thence South 62 degrees 28 minutes 17 seconds East along the Northerly line of said Block "D" a distance of 859.04 feet to a point on the centerline of St. Joe Road; thence South 36 degrees 20 minutes 16 seconds West 212.51 feet to the point of beginning; thence South 36 degrees 20 minutes 16 seconds West along the centerline of St. Joe Road 365.75 feet to a point; thence North 64 degrees 02 minutes 25 seconds West along the common property line with Riviera Plaza, Inc., as recorded in Warranty Deed, Instrument Number D5555, 708.10 feet to a point, being the Southeast corner of Lot Number 51 in Shoaff Park River Estates; thence North 75 degrees 11 minutes 49 seconds East, 236.69 feet to a point, being the corner of Lots Number 53 and 54 in Shoaff Park River Estates; thence North 27 degrees 31 minutes 43 seconds East, 221.43 feet to a point on the Southerly right-of-way of Shoaff Park River Drive; thence South 62 degrees 28 minutes 17 seconds

(General Description for Planning Staff Use Only)

(CONTINUED ON REVERSE SIDE OF PETITION)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

1409 Lincoln Hwy. East
New Haven, Indiana 46774

Amos Delagrance

New Haven, Indiana 46774

Amos Delagrance

(Name)

(Address & Zip Code)

(Signature)

(If additional space is needed, use reverse side)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for continuances or requests that ordinances be taken under advisement shall be filed, in writing, in the office of Community Development and Planning, by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for the meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance. (FILING FEE: \$50.00)

Name and address of the preparer, attorney or agent.

2410 Fort Wayne Bank Bldg.

Fort Wayne, Ind. 46802

(Address & Zip code)

423-1602

(Telephone Number)

(Name)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning and Zoning (CITY PLAN COMMISSION) / Room # 830, City-County Building, One Main Street / Fort Wayne, Indiana 46802 (Phone: 423-7571)

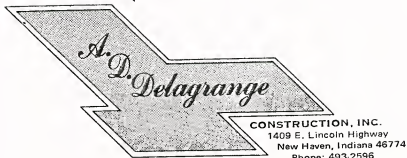
Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoning

East along the Southerly right-of-way of Shoaff Park River Drive
588.87 feet to the point of beginning containing 5.05 acres of land,
more or less. Subject to all legal roads and highways.

Owners of Property

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address & Zip Code)	(Signature)



June 5, 1978


Mr. Gary Baeten
Land Use Administration
City Plan Commission
City-County Building
Fort Wayne, Indiana 46802

Dear Mr. Baeten:

In reference to the rezoning on the Commercial Development of
Shoaff Park River Estates, we will agree to the following conditions:

1. The Commission will be provided with a maintenance agreement on the 4' earth mound and the landscaping to be placed on that mound, that will be located on the north and west sides of the property.
2. Agreement that the storage building will be a 1 story construction (5" on 12" pitch roof 10' sidewalks). Bill # Z-78-02-28 From "RA" to "BLB" a parcel of land containing 5.05 acres.

Sincerely,


Amos D. Delagrangé
A. D. DELAGRANGE CONSTRUCTION, INC

ADD/nkg

3977

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-78-02-28

DEPARTMENT REQUESTING ORDINANCE Long Range Planning and Zoning

SYNOPSIS OF ORDINANCE A parcel of land containing 5.05 acres, lying west of St. Joe Road, and bounded on the south by Riviera Plaza, the north by Shoaff Park Drive and on the west by Lots 52 thru 55 of Shoaff Park River Estates.

EFFECT OF PASSAGE Property is now zoned "RA" District - Suburban Residential .
Property will become "B1B" District - Limited Business.

EFFECT OF NON-PASSAGE Property will remain "RA" District - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) None

ASSIGNED TO COMMITTEE (J.N.) _____

Reg



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

June 30, 1978

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of July 5 & July 12, 1978, in both the News Sentinel and Journal Gazette.

RE; Legal Public Notice

Bill No. Z-78-02-28
Zoning Map Ordinance No. Z-14-78

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,
Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

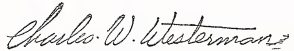
LEGAL NOTICE

OF THE COMMON COUNCIL, FORT WAYNE, INDIANA

Notice is hereby given that on the 27th day of June, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-78-02-28 --- Zoning Map Ordinance No. Z-14-78 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R38

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-78-02-28 --- Zoning Map Ordinance No. Z-14-78 was passed by the Common Council on the 27th day of June, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of June, 1978, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of June, 1978.



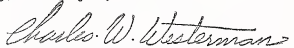
Charles W. Westerman
City Clerk

Copies of said Bill No. Z-78-02-28 --- Zoning Map Ordinance No. Z-14-78, is posted in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the east door of the Allen County Court House

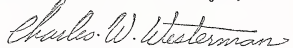
Copies of said Bill No. Z-78-02-28 --- Zoning Map No. Z-14-78, is also available for reading in the following public places in Fort Wayne, Indiana

- (4) The Reference Room in the north end of the main floor in said Downtown Public Library
- (5) The Journal of the Common Council PROceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana



Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinances in the designated places as stated above on July 5, 1978.



Charles W. Westerman
City Clerk

Common Council of Fort Wayne
(Governmental Unit)

JOURNAL-GAZETTE

Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

3

Body number of lines

54

Tail number of lines

2

Total number of lines in notice

59

COMPUTATION OF CHARGES

59 lines, 1 columns wide equals 59 equivalent lines at .259¢ cents per line

\$ 15.28

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 16.78

DATA FOR COMPUTING COST

Width of single column 14 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Title CLERK

LEGAL NOTICE
OF THE COMMON COUNCIL
FORT WAYNE, INDIANA

Notice is hereby given that on the 27th day of June, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-78-02-28—Zoning Map Ordinance No. Z-78-02-28—Zoning Map Ordinance No. Z-78-02-28 being an ORDINANCE amending the City of Fort Wayne Zoning Map No. R38.

1. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-78-02-28—Zoning Map Ordinance No. Z-78-02-28 was passed by the Common Council on the 27th day of June, and that said Ordinance was duly signed and approved by the Mayor on the 27th day of June, 1978, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of June, 1978.

CHARLES W. WESTERMAN
City Clerk

Copies of said Bill No. Z-78-02-28—Zoning Map Ordinance No. Z-78-02-28, is posted in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City County Building.

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.

(3) The bulletin board in the lobby at the east door of the Allen County Court House.

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CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinances in the designated places as stated above on July 3, 1978.

CHARLES W. WESTERMAN
City Clerk

CH COPY OF
ISEMENT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

7/5-12/78

Subscribed and sworn to before me the 12th day of July 1978

Notary Public

My commission expires September 28, 1979

Common Council of Fort Wayne

(Government: Ind.)

JOURNAL-GAZETTE

Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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TOTAL AMOUNT OF CLAIM

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DATA FOR COMPUTING COST

Width of single column items 9.9

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date July 12, 1978

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

7/5-12/78

Subscribed and sworn to before me this 12th day of July 1978

My commission expires September 28, 1979

Notary Public

ACH COPY OF
ISEMENT HERE

7-5-12

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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T. E. Gerken

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

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Subscribed and sworn to before me this 12th day of July 1978

Notary Public

My commission expires September 28, 1979

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1. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-78-02-28—Zoning Map Ordinance No. Z-14-78 was passed by the Common Council on the 27th day of June, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of June, 1978, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of June, 1978.

CHARLES W. WESTERMAN
City Clerk

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CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinances in the designated places as stated above on July 5, 1978.

CHARLES W. WESTERMAN
City Clerk

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

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Number of insertions 2

Size of quad upon which type is cast 5 1/2

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 12, 1978

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
County of Allen } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

7/5-12/78

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My commission expires September 28, 1979

Notary Public

EACH COPY OF
ADVERTISEMENT HERE

around us we see member
Insect Usually Ha
78 was passed by the Common Council on the 27th day of June, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of June, 1978, and now remains on file and on record in my office.

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Copies of said Bill No. 2-78-02-28-Zoning Map No. 2-14-78, is also available for reading in the following public places in Fort Wayne, Indiana:

(4) The Reference Room in the north end of the main floor in said Downtown Public Library.

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinances in the designated places as stated above on July 3, 1978.

CHARLES W. WESTERMAN
City Clerk

7-5-12